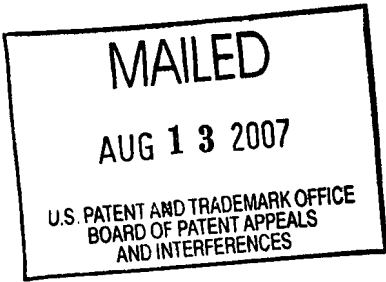


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PERTTI TORMALA, MINNA KELLOMAKI,
WILLIAM BONFIELD and KATHLEEN E. TANNER

Application 08/921,533

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 30, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

The content under the heading "**SUMMARY OF CLAIMED SUBJECT MATTER**" contained in the Appeal Brief filed on August 21, 2006 does not provide a sufficient summary of the independent claims involved in the appeal, which, for each independent claim involved in the appeal, shall refer to the specification by page and line number, and to the drawing, if any, by reference

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characters. *See* 37 CFR § 41.37(c)(1)(v). In particular, the appellants did not map the independent claims to the specification. Correction is required. MPEP § 1205.03 states:

When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal. *See* MPEP § 1215.04 and §711.02(b).

Also, applicants filed a timely Reply Brief on July 23, 2007. In accordance with the revision effective September 13, 2004, Title 37, Code of Federal Regulations, §41.43 states:

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed on August 21, 2006, defective;
- 2) notify appellants to file a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v);


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3) consider the paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v);

4) for consideration and proper response to the Reply Brief filed July 23, 2007; and

5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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PJN/gjh

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